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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

ROBERT FERNANDEZ,

CV. 09-1025-HU

Petitioner,

ORDER

v.

JOE DeCAMP,

Respondent.

MARSH, Judge

Petitioner, an inmate at the Deer Ridge Correctional Institution, brings this habeas corpus proceeding pursuant to 28 U.S.C. § 2254.

On September 22, 2009, the Federal Public Defender's Office was appointed to represent petitioner. On October 13, 2009, petitioner filed a pro se motion for preliminary injunction complaining that "technology of sound/light" has been used to "abuse petitioner verbally and physically"; and claiming that an electronic monitoring device was implanted in his body. Petitioner seeks an injunction ordering his immediate release from custody.

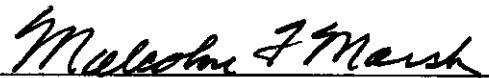
Because petitioner has been appointed counsel, his *pro se* motion for preliminary injunction is DENIED, with leave to renew with the assistance of counsel. Local Rule 83.9(b).¹

CONCLUSION

Based on the foregoing, petitioner's *pro se* motion for preliminary injunction (#11) is DENIED.

IT IS SO ORDERED.

DATED this 21 day of October, 2009.


Malcolm F. Marsh
United States District Judge

¹ The court notes that petitioner's contention that state officials implanted a monitoring device in his body has been litigated previously in the state courts. See Fernandez v. Blacketter, 222 Or. App. 605, 195 P.3d 923 (2008), rev. denied, 345 Or. 690 (2009).